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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,909	02/05/2004	Maurus Logan	Medcount-106	5225

7590 01/26/2006

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EXAMINER

MARSH, STEVEN M

ART UNIT PAPER NUMBER

3632

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/772,909

Applicant(s)

LOGAN, MAURUS

Examiner

Steven M. Marsh

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-31 is/are allowed.
- 6) ☒ Claim(s) 32-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 39-42 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the third office action for U.S. Application 10/772,909 for a Method and Apparatus for Securing Cables and the Like filed on February 5, 2004. Claims 28-42 are pending.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on October 7, 2005 and January 9, 2006 have been entered.

Election/Restrictions

Newly submitted claims 39-42 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Applicant is attempting to claim the combination of a cable tie, a securement member, and a mounting panel. However, the combination was not originally claimed as including a mounting panel.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 39-42 are withdrawn from consideration

as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Allowable Subject Matter

Claims 28-31 are allowed. The following is an examiner's statement of reasons for allowance: The prior art does not disclose a method for use in assembling conductors with a mounting panel comprising the steps of providing a cable tie with a head and a tail portion and a bias to a planar condition, attaching a securement member to the tail using the self-bias of the tail, and attaching the securement member and the cable tie to the mounting panel using the self-bias of the tail.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 32-38 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,638,966 to Ford. Ford discloses a cable tie (22) with a head portion (30) and a

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tail (24) extending from the head portion. The tail has a self-bias to a planar configuration (see col.8, lines 35-44), and the tail is deformed from the planar configuration to have an arcuate portion (28) in engagement with a securement member (20), whereby the self-bias of the tail biases the securement member into contiguous engagement with one surface of the tail such that the securement member and the tail are attached to one another. The self-bias of the tail biases courses of the tail adjacent the arcuate portion thereof into contiguous engagement with a surface of the tail opposite the one tail surface (the ends are connected). The tail is deformed by the securement member from the planar configuration to have an arcuate portion facing the support portion of the securement member, with first and second courses of the tail extending from the tail arcuate portion through the first and second apertures and movable out of the first and second apertures.

The securement member has first and second perimetrically bound elongate apertures (40) extending therethrough with first and second opposed sides, and the tail courses adjacent the arcuate portion thereof extends respectively through the apertures, the self-biasing of the securement member into contiguous engagement with the one surface of the tail being effected by force exerted by engagement of the tail arcuate portion with a surface of the securement member extending between the apertures. The apertures are disposed interiorly of perimetric margins of the securement member, and end of the tail (first and second courses) extend respectively through the openings (or notches). The apertures extend through the member into first

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and second aligned opening in the first and second surface (formed by the underside of 38 and the perimeter).

Response to Arguments

Applicant's arguments filed January 9, 2006 have been fully considered but they are not persuasive. In response to Applicant's arguments that Ford does not disclose certain features in claims 32-38, Applicant is directed to the 102 rejection above.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.



Steven Marsh

January 21, 2006



RAMON O. RAMIREZ
PRIMARY EXAMINER